

#36 T. Lanham
9-7896

Patent
188/167

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---------------------------|---|----------------------|
| Applicant: |) | Group Art Unit: 2901 |
| |) | |
| ANTHONY MAGLICA |) | Examiner: M. Tung |
| |) | |
| Serial No. 07/411,576 |) | |
| |) | |
| Filed: September 22, 1989 |) | |
| |) | |
| For: MINIATURE FLASHLIGHT |) | |

RECEIVED
SEP 5 1996
GROUP 2900

THIRD AMENDMENT AFTER FINAL REJECTION

Honorable Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This Third Amendment After Final Rejection replaces the Substitute Second Amendment After Final Rejection that was previously hand delivered to the Patent and Trademark Office on August 19, 1996. The Third Amendment After Final Rejection is offered to reduce the issues on Appeal and intends to simply comply with the requirements set out by the Examiner as further clarified in the telephone interview of today. The application is presently on appeal and the Notice of Appeal was mailed on March 5, 1996. A request for a four-month extension of time was requested in a prior submission to ensure that the application is currently pending. The Assistant Commissioner is hereby authorized to charge Deposit Account No. 12-2475 for any deficiency in fees.

Rather than simply attempt to further sketch changes, the Applicant has prepared a formal drawing. The drawing is intended to include everything submitted in the past as well as reflect the comments from the interview. During the interview, the relative diameter of the threaded portion of the barrel compared with the main portion of the barrel was discussed. The Examiner wanted this relative size to be like the first formal drawing presented in the present application. As noted in the Substitute Declaration of Gerald R. Parker, this has been done.

The stippling was questioned on the O-ring. Reference was made to page 8 of the original specification where the O-ring was presented and indicated to be for sealing. It was felt that the representation with the stippling was appropriate. It also appeared on Figure 1 of the first formal drawing.

Finally, the relative sizes of the concentric circles in Figure 3 were questioned. Specifically, the spacing between the outermost and next inner circles was unlike the first formal drawing. Of course, the first formal drawing does not support the current features. Rather the mechanical drawings provides this basis. Consequently, the issue is whether Figures 1 and 2 properly reflect the original disclosure. Figure 3 simply places the concentric circles at the proper width as defined by Figures 1 and 2. The outermost circle reflects the major diameter of the head. The next circle in reflects the minimum outside diameter of the head which is found at the end next to the barrel. The next circle in is the barrel. All of these circles are at the diameters of Figures 1 and 2. Figure 3 would not

change based on the issue regarding the surface discontinuity issue. In either event, a major outside diameter and a minimum outside diameter will appear.

Submitted herewith is the Substitute Declaration of Gerald R. Parker, the draftsman who created the submitted formal drawings. Applicant believes that this Declaration helps clarify the nature of the drawings in the present application.

Applicant is intending to reduce as many issues as possible to leave the single issue of the shape of the flashlight head, i.e., curved versus angled. The relative diameter of the threaded and unthreaded portions of the barrel are according to the Examiner's wishes. The diameters of the added rings in Figures 3 and 4 reflect the shapes in Figures 1 and 2. The threads have been appropriately oriented. Consequently, the drawings are believed to be acceptable with the exception of the head portion as mentioned above.

Respectfully submitted,

LYON & LYON

September 3, 1996

By



John D. McConaghy
Registration No. 28,773

47th Floor
633 West Fifth Street
Los Angeles, CA 90071-2066
(213) 489-1600

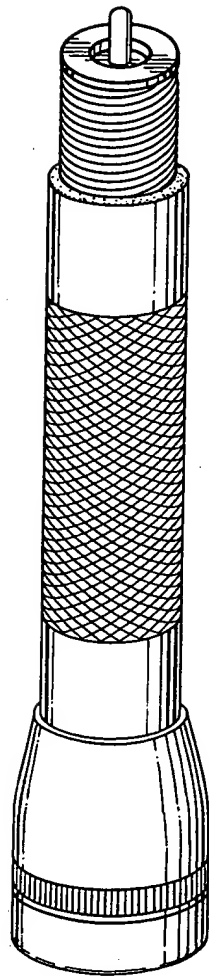


Fig. 1

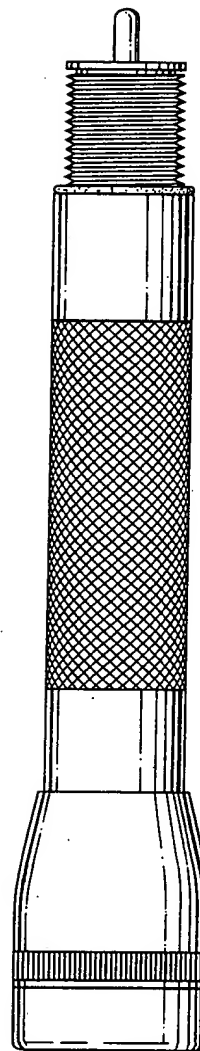


Fig. 2

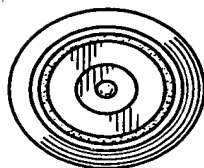


Fig. 3

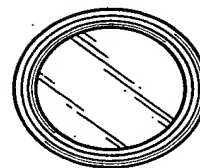


Fig. 4